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**From:** Hicks, Matt [Hicks.Matthew@epa.gov]  
**Sent:** 3/26/2019 9:34:36 PM  
**To:** Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; McGill, Thomas [McGill.Thomas@epa.gov]; Purify, Johnnie [Purify.Johnnie@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Nagrani, Kavita [Nagrani.Kavita@epa.gov]  
**Subject:** FL Assumption  
**Attachments:** HB799.pdf; HB799\_Amendment.pdf

We had our bi-weekly 404 assumption call with FDEP this afternoon and they gave us a heads up about an initiative working its way through the Florida legislature called a "House Memorial" that "urges" the Congress of the United States "to direct the United States Environmental Protection Agency to issue a memorandum of agreement by July 1, 2019, so Florida may complete the assumption of a section 404 dredge and fill permitting program under the federal Clean Water Act." David Fotouhi mentioned this at the end of a March 5<sup>th</sup> call we had with him to discuss DOI's comments on the 5-way MOA. FDEP provided us the bill number today (Bill No. HM 799). Kavita looked it up and upon closer reading of the whereas clauses of the original bill and an amendment to the bill introduced yesterday (3/25), the House Memorial, especially the amendment, paints EPA in a very unflattering light and suggests EPA is the hold up to Florida assuming the program.

Highlights from the amendment to HB277:

WHEREAS, the Department of Environmental Protection cannot complete rulemaking until a memorandum of agreement has been finalized, and

WHEREAS, since March 2018 [when the state assumption legislation went into effect] the United States Environmental Protection Agency has not finalized a memorandum of agreement so Florida can complete assumption of a section 404 dredge and fill permitting program, and

WHEREAS, without the memorandum of agreement, critical environmental restoration activities, including projects under the Comprehensive Everglades Restoration Plan, continue to be delayed...

Stephanie Gray of FDEP said that the memorial does not represent FDEP's view and that she does not know who's behind the memorial. According to Stephanie, the memorial does not have to be signed by the governor and does not have the force of law. Instead, it's a mechanism to formally petition the federal government to act. Here's a link to HB277 and pdfs of the original and amended language.

<https://www.flsenate.gov/Session/Bill/2019/00799>